In the Supreme Court of the United States.

DECEMBER TERM, 1868.

UNITED STATES, appellants,
vs.
THE STEAMER T. S. CONNOLLY. } No. 30.

Appeal from the Circuit Court of the United States for the eastern district of Louisiana.

STATEMENT FOR THE UNITED STATES.

This case is of the same character as the preceding. The steamer is claimed by Geo. L. Kouns, as president of the Red River Packet Company, which it appears purchased her from P. D. O'Neal and others, on the 2d of February, 1864. (Record, p. 21.)

The testimony of Gresham is that the steamer carried confederate troops and supplies between Alexandria and Shreveport, on Red river, in January, 1865. (Record, p. 10.) It is also proven by the testimony of Callos that she carried confederate quartermaster's stores between the same points, in December, 1864, and that she was then commanded by Kouns. (Record, p. 11.) The latter service was performed under an order, but it does not appear that any resistance or even objection thereto was offered by the captain.

There is no evidence whatever that physical force or restraint was at any time used to compel the employment of the boat in the service of the confederacy. Nugent, indeed, states that he threatened her, and that she was impressed into the rebel service by his order, (Record, p. 12;) but it will be observed that all this happened on the Washita river, in January, 1864, before she was acquired by the claimant.

It is accordingly submitted that, on the whole, the steamer was liable to forfeiture, under the act of August 6, 1861.

WM. M. EVARTS,
Attorney General.
J. HUBLEY ASHTON,
Ass't Attorney General.